

1                               BEFORE THE  
2                               ILLINOIS COMMERCE COMMISSION

3           TRACI M. CASEY                               ) DOCKET NO.  
  )  
4                        -vs-                               )   03-0557  
  )  
5           ILLINOIS-AMERICAN WATER COMPANY        )  
  )  
6           Complaint as to service and                )  
          billing in Alton, Illinois.                 )

7   Springfield, Illinois  
8   June 24, 2004

9                       Met, pursuant to notice, at 1:00 P.M.

10           BEFORE:

11                       MR. JOHN ALBERS, Administrative Law Judge

12           APPEARANCES:

13                       MS. TRACI M. CASEY  
                             P.O. Box 4183  
14                       Bellflower, California 90707

15                               (Appearing pro se via teleconference)

16                       MS. MARY SULLIVAN  
                             300 North Waterworks Drive  
17                       Belleville, Illinois 62223

18                               (Appearing on behalf of Illinois-American  
19                               Water Company via teleconference)

20  
21                       SULLIVAN REPORTING COMPANY, by  
22                       Carla Boehl, Reporter, CSR License #084-002710

## I N D E X

WITNESSES

DIRECT CROSS REDIRECT RECROSS

(None)

EXHIBITS

MARKED

ADMITTED

(None)

## 1 PROCEEDINGS

2 JUDGE ALBERS: By the authority vested in me by  
3 the Illinois Commerce Commission, I now call Docket  
4 Number 03-0557. This docket concerns a complaint  
5 filed by Traci M. Casey against Illinois-American  
6 Water Company. The complaint concerns billing for  
7 service at 113 East Elm Street, Alton, Illinois.

8 May I have the appearances for the record,  
9 please, and if you could state your name, address  
10 and phone number, Ms. Casey?

11 MS. CASEY: Okay. Traci M. Casey, P.O. Box  
12 4183, Bellflower, California 90707, 626 -- I mean,  
13 939-4555.

14 MS. SULLIVAN: This is Mary Sullivan on behalf  
15 of Illinois-American Water Company. My address is  
16 300 North Water Works Drive, Belleville, Illinois  
17 62223. My phone number is (618) 239-2230.

18 JUDGE ALBERS: Thank you. Let the record  
19 reflect that there are no others wishing to enter an  
20 appearance.

21 Originally this hearing was designed to be  
22 the evidentiary hearing in this matter. However,

1 prior to today I had procedural discussions with  
2 both Ms. Casey and Ms. Sullivan. It appears that  
3 there is some difficulty in Ms. Casey being able to  
4 come to Illinois for today. However, given some  
5 other issues, we decided to leave this as a hearing  
6 date, instead use it as a status hearing.

7 Prior to going on the record just now we  
8 discussed moving or rather rescheduling the  
9 evidentiary hearing for July 19 at 9:00 a.m. and  
10 both of you are able to make that date and time for  
11 the evidentiary hearing?

12 MS. CASEY: Yes.

13 MS. SULLIVAN: On behalf of the Company, yes.

14 JUDGE ALBERS: I would just note at this point  
15 that I will be very hesitant to further delay the  
16 evidentiary hearing, given the deadline in this case  
17 of September 15, 2004. We need to make sure we get  
18 this done, wrapped up before then. So I think any  
19 further delays in the evidentiary hearing would  
20 begin to put into question our ability to do so  
21 without having to rush things at the end. So is  
22 there any other questions or comments about the

1 schedule?

2 MS. CASEY: No.

3 MS. SULLIVAN: None.

4 JUDGE ALBERS: Another issue that I believe we  
5 need to discuss today is Ms. Casey's interest in  
6 calling another witness for which there was no  
7 prepared testimony submitted pursuant to the  
8 scheduling we put in place earlier. Ms. Casey, is  
9 that correct, you do intend -- you would like to  
10 call another witness?

11 MS. CASEY: Yes.

12 JUDGE ALBERS: And, Ms. Sullivan, I believe you  
13 were aware of that generally at least?

14 MS. SULLIVAN: I knew that that was something  
15 we were going to address at this hearing.

16 JUDGE ALBERS: Right. That's all I am asking.

17 MS. SULLIVAN: That's correct.

18 JUDGE ALBERS: Who is the individual,  
19 Ms. Casey, that you want to call?

20 MS. CASEY: Laronna Ingraham (sp) which is my  
21 sister who did a lot of conversating with the water  
22 company. Because after reviewing the documentation

1       that was sent to me regarding conversations that  
2       were had with me, I am not sure if they thought it  
3       was me or was it her. Because the name of one of  
4       the Illinois-American water employees, I have no  
5       knowledge of. The names that I have don't match up  
6       with one of those names.

7               JUDGE ALBERS: Okay. Before we go any further,  
8       Ms. Sullivan, did you have any comment on her desire  
9       to call an additional witness?

10              MS. SULLIVAN: I guess to the extent that I  
11       would like to know what specifically she will be  
12       testifying regarding. Previously we had sent data  
13       requests asking for anyone who had, either Ms. Casey  
14       herself or anyone on her behalf, who had discussions  
15       and no one was disclosed. I did not receive any  
16       documents or copies of any documents.

17              MS. CASEY: There is no documents. It is just  
18       that she was my agent and her name for the purposes  
19       of reconnect or disconnect, she was the person at  
20       the site both times. And the original conversation  
21       of the water being shut off, that was given to her,  
22       not to myself. I didn't talk to the water company

1           til after the fact.

2           JUDGE ALBERS:   Ms. Sullivan, does that --

3           MS. SULLIVAN:   Quickly through our data  
4           request, I think I did specifically ask for any oral  
5           conversations that occurred from agents, either  
6           herself or her agents, with either plumbers or the  
7           company and again that information wasn't disclosed.

8           JUDGE ALBERS:   Well, I am concerned as well  
9           about adding another witness at this point since we  
10          went through the steps of having the prepared  
11          testimony submitted previously. We did not receive  
12          any testimony submitted on behalf of the complainant  
13          other than from Ms. Casey.

14          MS. CASEY:   It will be kind of hard for me to  
15          defend what someone said that they said to me  
16          because, like I said, one of the Illinois-American  
17          water employees who said they spoke with me, I have  
18          no knowledge as to who that is. So they could have  
19          referred to the conversation that they had had with  
20          her because the conversation that I had on several  
21          occasions, I have the names wrote down. And that  
22          name doesn't match up with any names that I have.

1           JUDGE ALBERS: I understand what you are  
2           saying. Is there a reason, though, you did not  
3           identify Ms. Ingraham earlier as a potential witness  
4           in this matter?

5           MS. CASEY: No, I didn't think that I needed  
6           her until after I had reviewed. I kept saying why  
7           are they saying they are talking to me. I have  
8           never talked to that person. I have no knowledge of  
9           who that is, period. Because it is referring as  
10          though he talked to me. And the person that I  
11          talked to regarding that issue is not that person,  
12          unless I could just say that. I mean, she doesn't  
13          really need to come in because he didn't have a  
14          conversation with me at all.

15                 Could you hold the line, please?

16          JUDGE ALBERS: Yes, I am looking through my  
17          notes, too. Off the record.

18                         (Whereupon there was  
19                         then had an  
20                         off-the-record  
21                         discussion.)

22          JUDGE ALBERS: Back on the record.



1                   Previously, Ms. Casey, I believe you  
2                   submitted on or about March 3 some direct testimony,  
3                   correct?

4                   MS. CASEY:   Correct.

5                   JUDGE ALBERS:   And then I received the  
6                   testimony of Theresa Duboff (sp)

7                   MS. SULLIVAN:   That's correct.

8                   JUDGE ALBERS:   And Richard Williams on behalf  
9                   of Illinois-American, correct?

10                  MS. SULLIVAN:   We filed, yes.

11                  JUDGE ALBERS:   And that was early March as  
12                  well.

13                  MS. CASEY:   Right.   See, that's what I am  
14                  saying.   The only people that I talked to at the  
15                  water company, Richard Williams is not a name that I  
16                  talked to at all.

17                  JUDGE ALBERS:   Okay.   I have not reviewed the  
18                  testimony yet so I am not sure if that is someone  
19                  that said they spoke to you or not.

20                  MS. CASEY:   I think in the testimony he does  
21                  say that he talked to me.

22                  JUDGE ALBERS:   Okay.   I mean, if that's what it

1           says, then it speaks for itself.

2           MS. SULLIVAN: This is Mary Sullivan. I am  
3 quickly looking through it. I don't --

4           MS. CASEY: Doesn't it say that he didn't talk  
5 to me?

6           MS. SULLIVAN: I don't know what he testified  
7 to. I was looking quickly to see if he referenced a  
8 conversation with you. I haven't seen it yet but  
9 that doesn't mean it isn't there.

10          JUDGE ALBERS: In any event, after that you had  
11 an opportunity to submit rebuttal testimony in  
12 writing, Ms. Casey, and I don't believe we received  
13 anything from you. Did you submit rebuttal  
14 testimony?

15          MS. CASEY: No, I didn't.

16          JUDGE ALBERS: Okay.

17          MS. CASEY: Or did I -- wait, wait, wait. I  
18 thought I did. Maybe I didn't. There is a  
19 possibility I did not and I thought that I did.

20          JUDGE ALBERS: Well, if you did, please let me  
21 know because that means that I --

22          MS. CASEY: Let me look at my computer and I

1           can tell you if I did or not.

2           MS. SULLIVAN: On behalf of the company I do  
3 not believe that we received any rebuttal testimony.

4           JUDGE ALBERS: I don't think I did either.

5           MS. CASEY: There is a possibility that I  
6 didn't. I didn't say that I did; I just thought  
7 that I did. I can tell you in just a minute.

8           However, if she is not allowed in, there will be no  
9 way for me to, other than to say that I never had a  
10 conversation with this person, I can't defend  
11 anything that he is saying because I didn't have a  
12 conversation with him. I have no knowledge of who  
13 that is, period. I did have several conversations  
14 with Theresa, however.

15           JUDGE ALBERS: Well, at this point we are not  
16 even sure if Mr. Williams says he even spoke to you.

17           MS. SULLIVAN: I flipped through his testimony.  
18 I didn't see where he said that but it doesn't  
19 mean -- I looked through it very quickly while we  
20 were continuing our conversation, so.

21           JUDGE ALBERS: Right. I mean, it may very well  
22 be in there. At this point we are not sure. But in

1       any event, had there been information or a statement  
2       that you wanted to rebut in his testimony, the  
3       opportunity -- I believe we had set that date for  
4       March 26 for your rebuttal testimony. Had there  
5       been any statements in the direct of the company  
6       that you wanted to respond to, March 26 would have  
7       been the opportunity to do so and that would have  
8       included providing the prepared testimony of any  
9       additional individuals.

10           MS. CASEY: Well, as I said, if she is not --  
11       like I said, as I spoke to her, she doesn't recall  
12       that person being the people that is anyone that she  
13       talked to either. So other than for her to say that  
14       and for me to say, there would really be no other  
15       testimony that she would be giving other than to  
16       give the name of the person that she spoke with  
17       which was a customer service representative and it  
18       was not that person. You understand what I am  
19       saying? So basically we will both be saying we  
20       don't know who you are. We never talked to you.

21           JUDGE ALBERS: And if that's your testimony,  
22       that's fine. I mean, I am not telling you that

1       that's what you need to say. I am just saying that  
2       if that's what you believe is appropriate, if you  
3       believe that's how you should respond to that  
4       testimony, that's for you to decide. I am concerned  
5       about following the guidelines we set up earlier for  
6       this proceeding.

7               MS. CASEY: Uh-huh, I understand.

8               JUDGE ALBERS: And I am afraid that if we tried  
9       to restructure things now, as I indicated earlier I  
10      am concerned about meeting the September deadline in  
11      this matter because after this -- you know, at this  
12      point I am not sure if there is any -- if either of  
13      you will say you need to submit a brief or a reply  
14      brief on this and that will eat up some time. There  
15      will be a need for a proposed order. You would both  
16      have an opportunity to submit exceptions in reply to  
17      that proposed order, telling me what you like and  
18      didn't like about the proposed order, and then it  
19      would have to go to the Commission. And we are  
20      coming up on the deadline on this and, quite  
21      frankly, July 19 is probably pushing it as it is.

22              MS. CASEY: Right.

1           JUDGE ALBERS:   So I am concerned about there  
2           not being enough time to finish this and certainly  
3           if we tried to factor in additional time to receive  
4           the prepared testimony of another witness, we would  
5           just be pushing that date back.

6           MS. CASEY:   That's what I am saying.   Other  
7           than me just saying that that's not the person that  
8           she talked to, there wouldn't be a situation where  
9           she would testify anything other than to say this is  
10          who I spoke to, I didn't speak to you, I don't know  
11          who you had that conversation with.   That would be  
12          the factor of her testimony.   That's it.   That will  
13          be the only thing that she will be testifying to.

14          JUDGE ALBERS:   Well, Ms. Sullivan, do you have  
15          any objection to that?

16          MS. SULLIVAN:   If the limited purpose of her  
17          testimony is just that, no, I don't have any  
18          objection.

19          JUDGE ALBERS:   Okay.   And, Ms. Casey, then you  
20          understand that you are indicating that she would  
21          have very limited direct testimony to offer?

22          MS. CASEY:   Right.   All she is going to offer

1       is this is who I spoke to, this is what was told to  
2       me, I didn't speak to you, and that's it.

3           MS. SULLIVAN: Now, that's more than just  
4       saying she didn't talk to Mr. Williams. If she is  
5       going to testify to conversations that she did have,  
6       that's more detail and more information than I  
7       received up to this point.

8           MS. CASEY: She got the phone -- she got the  
9       first phone call from the water company; I didn't.  
10      She is just going to say, oh, they called me, told  
11      me they were shutting off the service based upon  
12      this, and that's it, and this was the person's name  
13      who I talked to. She didn't talk to anybody else.

14          JUDGE ALBERS: Well, I find myself between a  
15      rock and a hard place in that the company has no  
16      objection to limited additional direct despite the  
17      absence of having this information been provided  
18      earlier and not knowing for sure exactly what  
19      Ms. Ingraham would actually testify to, if that's  
20      going to open up potential problems for the company  
21      then, with the company.

22          MS. CASEY: Well, all she is testifying to, as

1 I stated earlier, is just she got a phone call on  
2 said date, she was told that the water was being  
3 shut off because I have you down as an emergency  
4 number and there is a substantial outdue balance,  
5 and that's it, and give the name of the person and  
6 she never talked to anybody else. Every other  
7 conversation that was made with the water company  
8 was made with me because that was when I got a phone  
9 call from her and I am like, what, what's going on.  
10 She is like, well, I got a call today and this is  
11 what they told me, and I don't know, let me go over  
12 there.

13 JUDGE ALBERS: Well, Ms. Sullivan, does that  
14 provide any more or less assurance to you?

15 MS. CASEY: I mean, I can have that ready for  
16 her today. I mean, as to exactly what she is going  
17 to say and say no more.

18 JUDGE ALBERS: Well, I am wondering, though, to  
19 what extent whatever she says might -- had we seen  
20 this earlier, the company might have wanted to issue  
21 some discovery on that.

22 MS. CASEY: Well, it is in the note that I



1 think on some of the bills but it reflects that her  
2 name is in the file. Her name is in my file at the  
3 water company as an emergency contact.

4 JUDGE ALBERS: Okay. Well, I think at this  
5 time I am hesitant to try to restructure what we  
6 have already agreed to by allowing an additional  
7 witness. So I am going to deny the request to add  
8 an additional witness at this time.

9 Is there any other questions or concerns  
10 for today?

11 MS. CASEY: No, that's it.

12 MS. SULLIVAN: Not for the company.

13 JUDGE ALBERS: Okay. And so we will meet again  
14 on September, I am sorry, July 19 at 9:00 a.m. for  
15 the evidentiary hearing, and as indicated we need to  
16 have the hearing that day.

17 MS. CASEY: Okay. So.

18 MS. SULLIVAN: Will we get a notice telling us  
19 what hearing room that will be in?

20 JUDGE ALBERS: Well, it will be posted in the  
21 foyer area.

22 MS. SULLIVAN: When we come in?

1 JUDGE ALBERS: Yeah.

2 MS. SULLIVAN: Okay.

3 MS. CASEY: So I just come to the commerce  
4 building, right?

5 JUDGE ALBERS: I can answer these kind of  
6 questions off the record.

7 MS. CASEY: Okay.

8 JUDGE ALBERS: Anything else for the record  
9 then?

10 MS. CASEY: No, that's it.

11 MS. SULLIVAN: Not for the company.

12 JUDGE ALBERS: If there is nothing further,  
13 then this matter is continued to 9:00 a.m. on July  
14 19 for the evidentiary hearing.

15 (Whereupon the hearing  
16 in this matter was  
17 continued until July  
18 19, 2004, at 9:00 a.m.  
19 in Springfield,  
20 Illinois.)  
21  
22